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“Despotism as Practiced in the U.S.A.” (Part II), “Vitamins and Books,” and “Deafness Caused by Intramuscular Administration of Neomycin,” plus High Points of Bio-Dent

The following is a transcription of the August 1960 issue of Dr. Royal Lee’s *Applied Trophology* newsletter, originally published by Standard Process Laboratories.

Despotism as Practiced in the U.S.A. (Part II)

(This article continues from Part I, available here.)

The Sears Roebuck case is an example of when the seller decides not to take issue with the government authorities. It is poor business to stand up for your rights if you are selling a life-saving food product that might make the public aware of the shortcomings of their miserable “staff of life.” There are no more vindictive prosecutions than those of the Food and Drug Administration and the Federal Trade Commission. They pass out press releases that absolutely warp the facts, smearing the unwitting victim, who usually expects justice and a fair deal from his government.

Here, Sears, Roebuck and Company would be advertised as guilty of “false and fraudulent claims—false and misleading labels” even before the case came to court, before they had the privilege of defending themselves. And in their defense, they would be refused the hearing that any murderer is constitutionally guaranteed. Why? Simply because in a hearing before a grand jury the defendant is told exactly what his crime is and asked to explain his defense if he has one. The grand jury has the function of determining whether or not the suspect should be indicted and tried.

Such a procedure in a Food and Drug case would afford the defendant the opportunity to know what kind of witnesses he would need to upset the government’s contentions. That *they do not want*. He is refused any hearing and, further, is commonly refused the usual bill of particulars that would have the same value to him. He is compelled to face the well-oiled prosecution totally in the dark as to what he is charged with and how the government experts come to their conclusions.

Once the newspapers have been given the villainous releases, evidently calculated to smear the defendant, it is very hard to get an unprejudiced jury together.

Next, the government “experts” proceed to establish “facts” by expressing opinions that are accepted by the court as facts. For instance, in one case the prosecutor’s witnesses, a nationally known group of authorities, actually testified that vitamin deficiency could not even cause a functional disease, much less a degenerative or an infectious disease, nor could it have any part in the cause of an infectious disease.

This particular case occurred in 1939, and the very same government department that was prosecuting this case was at the same time preparing an authoritative tome on vitamin deficiency in which these very “facts” were thoroughly proven to be false.[4]

A doctor was brought in who testified that he tried *one* free sample of the product in question on *one* qualified patient and failed to get results, and he had so informed the defendant.

This was used to prove that the defendant knew his product was useless and that he was guilty of fraud in continuing to sell it after that.

The jury, in their ignorance and confusion in a field where the lay mind is helpless to find the truth, brought in a verdict of guilty.

The federal judge, showing his colors, vindictively tried to assess a fine of more than double the permissible amount by padding the cost vouchers. When the case was appealed, other tricks became apparent. One of the points on which the merits of the argument hinged was whether animal tests or clinical tests were final. In writing up the transcript for the use of the court of appeals, the positive statement of the defendant witness on this point was nullified. In the argument to the court, later, the prosecuting attorney referred to this testimony as proving *his* contention, where in fact it proved the opposite.

He actually perpetrated such lies, detected later, on almost two dozen occasions in the presentation of his argument. It is one of the tricks of communist and Nazi governments to use such tactics in destroying the rights of their victims. It happens here in almost every case involving foods or drugs, by which the flour millers or similar racketeers are likely to be harmed if the decision is not properly controlled.

If the Federal Trade Commission is the agency that takes up the cudgels to protect some racketeer, they have a still better opportunity to steamroller the defendant. They act as their *own judge, jury, and prosecutor*. According to the federal law, they need not have a preponderance of evidence to stop the defendant in his tracks. They need only *some* evidence to support their side. On that basis they are empowered to issue an order that will absolutely stop the defendant from doing business without any possibility of appeal.

Further, it is common for the FTC to issue an order against one concern barring them from certain activities and then take similar action against all others in the same business.

Here is what the *Drug Trade News* thought of this situation in 1944 and 1947:

> **Well, Where Now?**
>
> In denying the petition for a writ of certiorari filed by Miles Laboratories—as a final effort in its courageous fight to prevent the Federal Trade Commission from seizing control over the labeling of drug products—the Supreme Court seems to have given its approval to the cleverly concocted scheme whereby the commission, through a distortion of its authority over advertising, has usurped the clearly defined powers of the Food and Drug Administration.
>
> Even though the Food, Drug, and Cosmetic Act gives exclusive jurisdiction over labeling to the FDA, and even though the Wheeler-Lea Act expressly exempts labeling from the control of the Federal Trade Commission, nevertheless, the Commission has apparently achieved such control with the aid and connivance of the courts.
>
> Whatever may be the ultimate meaning and effect of the Miles case, the Supreme Court seems to have held, inferentially at least, that the Declaratory Judgment Act affords no protection against administrative tyranny, in spite of the fact that the legislative history of the act goes to prove that it had no other purpose. The pusillanimous abdication by the courts of their constitutional functions has been one of the disquieting and insidious developments of these amazing years.
>
> And, confusion more confounded, the federal courts have announced the incredible doctrine that the principles of res adjudicata are to be applied to rulings of the FTC. Once the commission has decided a case involving drugs and medicines, the FDA is barred from any future regulatory consideration of the same subject matter.
>
> As things have shaped up, a manufacturer of products subject to the provisions of the Food, Drug, and Cosmetic Act may be denied a court trial on the legal merits of his labeling merely because the FTC beats FDA to the draw. Seldom has the will of Congress been more brazenly and more successfully flaunted.
>
> Thus, as James F. Hoge stated at the recent meeting of the Proprietary Association, the Federal Trade Commission, an agency that is both judge and prosecutor, an agency the courts feel powerless to restrain… would determine the rights of the manufacturer as to his claims for his product, whether in labeling or advertising.
>
> Well, where do we go from here?
>
> —Editorial, *Drug Trade News*, p. 30, June 19, 1944.
>
> **Any Old Evidence!**
>
> In upholding the Federal Trade Commission in the Kodachrome fair trade case, in which the element of competition was declared absent, the Circuit Court of Appeals, New York, purposely or inadvertently turned the spotlight upon the watertight, court-proof powers that the Commission wields.
>
> After stating that the Commission had correctly construed the statutory rule applying to competition in fair trade cases, the Court admitted its own judicial impotence by stating that it had merely to perform the very limited function of determining whether there is any evidence to support the Commission’s findings.
>
> *Any* evidence! Note the Court did not demand substantial evidence, the weight of evidence, or the preponderance of evidence. It did not look for evidence to support the other side; it did not bother to inquire into the nature or probity of conflicting or contradictory evidence.
>
> The court was limited to ascertaining whether there was *any* evidence in the Commission’s favor. What a hell of a thing to call justice in a country such as this!
>
> —Editorial, *Drug Trade News*, p. 36, January 13, 1947.

Reprinted from an article written by Royal Lee in June 1949.

References

1. *News Letter of the Academy of Applied Nutrition,* March 1949. (Quoted in Lee Foundation for Nutritional Research reprint 30-E.)
2. *Newsweek,* July 25, 1949, p. 26.
3. *Science,* October 4, 1946, p. 312. [“Cardiac Failure of Cattle Fed Vitamin E-Free Rations as Revealed by Electrocardiograms,” T.W. Gullikson and C.E. Calverley.]
4. United States Department of Agriculture. *Yearbook of Agriculture 1939: Food and Life*.

Vitamins and Books

A college bookstore that has vitamins sharing shelf space with literary masterpieces is helping students achieve good health, said Peter Sammartino, PhD, President of Fairleigh Dickinson University, Rutherford, New Jersey, before the 95th Midwinter Meeting of the Chicago Dental Society.

He said because nutrition has become one of the persistent problems of living, a problem affecting our national economy, our national survival, and our attitude toward other nations, it is the moral responsibility of every college to make our young people aware of its significance.

Doctor Sammartino said his university:

> Purchases foods free from excessive pesticides.
>
> Stresses necessity of good breakfasts.
>
> Prohibits sale of candy or carbonated beverages in the university.
>
> Requires lectures on nutrition as part of freshmen orientation.
>
> Maintains a diet diary as a clinical record for the student’s personal physician or dentist.
>
> Makes available for purchase natural vitamins and brewer’s yeast.

—Reprinted from *Oral Hygiene*, June 1960.

Deafness Caused by Intramuscular Administration of Neomycin

The authors report on two men and two women in whom severe disturbances of hearing resulted from the intramuscular administration of neomycin. Two of the patients were less than 30 years of age.

The first patient had an inflammation of the urinary passages and was given 0.5 gm of neomycin intramuscularly twice a day for five days. The total dose of the drug administered was 5 gm. On the sixth day, she complained of tinnitus and difficulty of hearing. Administration of the drug was discontinued, but the disturbance became worse. The excitability of the apparatus concerned with maintaining equilibrium remained normal in both ears.

The second patient, who had chronic renal disease, received the same neomycin therapy as the first patient and complained of tinnitus and poor hearing on the ninth day after the institution of the treatment. The difficulty of hearing increased within the following 11 days.

The third patient had a recurrent furunculosis associated with cardiac disease disease for which he was treated with neomycin for eight days. The total dose of the drug given intramuscularly was 7.5 gm. Difficulty of hearing, which began on the eleventh day after the institution of neomycin therapy, progressed to deafness. The excitability of the vestibular apparatus remained normal.

The fourth patient had osteomyelitis and was treated with neomycin for 25 days. The total dose of the drug given intramuscularly was 12.5 gm. Ten days after the cessation of treatment, and on the 35th day after its institution, the patient complained for the first time of difficulty of hearing. The caloric excitability of the apparatus concerned with equilibrium remained normal in both ears.

These findings showed that the period elapsing from the institution of neomycin therapy to the onset of the disturbances of hearing was short. The difficulty of hearing increased after the withdrawal of the drug. Since there was evidence of a renal disorder (partly only mild) in all four patients, it has been emphasized again that intramuscular administration of neomycin is contraindicated *in patients in whom renal disease is merely suspected*.

Nil nocere! S. Kortge-Stoppler and G. Mittag, *Munchen. med. Wehnschr*. 100:1189–1192, Aug. 8, 1958 (in German), Munich, Germany, Medical Literature Abstracts. J.A.M.A., November l, 1958, Vol. 168, No. 9, p. 1285.

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Bio-Dent, a bone product in tablet form, is prepared from fresh whole veal bone without heat. Our process (patented) preserves the high enzyme and amino acid concentration normally found in the bones of young veal calves. Nutritionally, raw bone promotes the normal health of teeth and bones. Then too, the wheat germ and organic manganese content of Bio-Dent enhance the effect on the supporting ligament and nerve tissue.

Cold extracted glycyrrhizin serves as a binder and mineral normalizer. If possible, these tablets should be chewed to assure more complete assimilation. Clinically, Bio-Dent is the bone product of especial interest to the dental profession.

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Selene River Press is a publishing company specializing in holistic nutrition education. Our philosophy is rooted in the work of Dr. Royal Lee, who showed that vitamin deficiencies, due to processed foods, are responsible for most degenerative disease. From organic farming to food-based vitamins, from raw milk to fermented foods, Dr. Lee set the course for the field of whole food nutrition.

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